

## **REMARKS**

### **I. Status of the Claims**

By the present Amendment claim 1 has been amended and claim 17 has been canceled. No new matter is believed to have been added. Accordingly, claims 1-16 and 18-21 are now pending in the present application. It is believed that the present amendments place the claims in condition for allowance, and therefore entry is believed proper and is respectfully requested.

### **II. Art Rejections**

#### **A. Rejection of claim 1 as anticipated by Meston under 35 U.S.C. § 102(b)**

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,933,118 issued to Meston ("Meston"). This rejection is respectfully traversed.

Without agreeing with the Examiner's argument, claim 1 has been amended to recite that the first baffle is inclined upwardly at "a first angle between 22.5° and 27.5°." No such teaching or suggestion is present in Meston.

Meston is directed to a mobile system for scrubbing a gas using a fluid. It teaches the use of a low baffle angle, one that is at most 15°. For example, it teaches that "[t]he angles of the baffles 12 and 13 are normally quite small, for example 3.1° for the lower baffle 12, and 4.2° for the upper inclined baffle 13 in the case of a mobile scrubbing apparatus" (Col. 5, lines 29-32). Meston further teaches that "[t]he range of 2-15° should cover most scrubbing applications" (Col. 5, lines 57-58). There is also no motivation to modify Meston to teach the recited angle, and further, Meston teaches away from using higher angles than disclosed. Accordingly, the Examiner is respectfully requested to withdraw this rejection of claim 1.

**B. Rejection of claims 1-2, 4-6, 12, and 15-21 as obvious in view of Turk under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 1-2, 4-6, 12, and 15-21 under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 4,029,578 issued to Turk (“Turk”). This rejection is respectfully traversed.

Claim 1 recites that the first baffle is inclined upwardly at “a first angle between 22.5° and 27.5°.” No such teaching is present in Turk, and no proper motivation has been provided for making such a modification.

The Examiner concedes that Turk does not teach a first baffle “inclining upwardly at a first angle between 10 and 45 degrees.” In fact, Turk does not teach or suggest the inclination of a baffle to any angle. The Examiner states that “[t]he Turk reference discloses multiple horizontal baffles” (Office Action, page 4). Additionally, Figure 1 of Turk shows horizontal baffles 12, and the specification does not disclose any inclination for the baffles. (Col. 3, lines 51-54).

The Examiner argues that “one of ordinary skill in the art would recognize that inclining the baffles to an angle between 10 and 45 degrees would result in improving the mixing rate between the contaminated water and the ozone gas” (Office Action, page 4). However, the Examiner has not pointed to any teaching or suggestion in the prior art, and it is noted that Meston teaches away from the use of any angle greater than 15°. Moreover, the Examiner has not pointed to any teaching or suggestion in the prior art that would have motivated one of ordinary skill in the art to modify the baffles to the specific range “between 22.5° and 27.5°” as recited in claim 1.

Turk does not teach, or suggest, a baffle inclined upwardly at “a first angle between 22.5° and 27.5°,” Meston teaches away from the claimed angles, and it is submitted that no motivation for making such a modification to Turk exists apart from the teaching of Applicants’ own specification. Accordingly, the Examiner is respectfully requested to withdraw this rejection for claim 1, and the corresponding rejections of dependent claims 2, 4-6, 12, 15-16 and 18-21.

**C. Rejection of claim 3 as obvious in view of Turk and Burgher under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Turk in view of U.S. Patent No. 5,091,118 issued to Burgher. This rejection is respectfully traversed.

The Examiner stated that Burgher teaches the use of a venturi tube. However, this does not make up for the deficiencies of Turk or Meston with respect to claim 1. Therefore, claim 3, which depends from claim 1, is believed to be allowable for at least the reasons given above with respect to claim 1. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**D. Claims 7 and 8 as obvious in view of Turk and Lund under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Turk in view of U.S. Patent No. 4,028,246 Lund et al. (“Lund”). This rejection is respectfully traversed.

The Examiner stated that Lund teaches the use of ultrasonic and ultraviolet emitters. However, this does not make up for the deficiencies of Turk or Meston with respect to claim 1. Therefore, claims 7 and 8, which depend from claim 1, are believed to be allowable for at least

the reasons given above with respect to claim 1. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**E. Rejection of claim 9 as obvious in view of Turk, Lund, and Olsen under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Turk in view of Lund and U.S. Patent No. 5,683,576 issued to Olsen ("Olsen"). This rejection is respectfully traversed.

The Examiner stated that Olsen teaches placing an ultrasonic emitter within the water treatment chamber, and that it would have been obvious to place one in the chamber of Turk. However, this does not make up for the deficiencies of Turk or Meston with respect to the elements of claim 1. Therefore, claim 9, which depends from claim 1, is believed to be allowable for at least the reasons given above with respect to claim 1. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**F. Rejection of claims 10 and 11 as obvious in view of Turk and Schenck under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Turk in view of U.S. Patent No. 5,753,106 issued to Schenck ("Schenck"). This rejection is respectfully traversed.

The Examiner stated that Schenck teaches the use of titanium dioxide as a catalyst. However, Schenck does not make up for the deficiencies of Turk or Meston with respect to claim 1. Therefore, claims 10 and 11, which depend from claim 1, are believed to be allowable for at least the reasons given above with respect to claim 1. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**G. Rejection of claims 13 and 14 as obvious in view of Turk, Burgher, and Lund under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Turk in view of Burgher and Lund. This rejection is respectfully traversed.

The Examiner stated that Lund teaches the use of removable baffles. However, as stated above, Lund does not make up for the deficiencies of Turk or Meston with respect to claim 1. Therefore, claims 13 and 14, which depend from claim 1, are believed to be allowable for at least the reasons given above with respect to claim 1. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**III. Conclusion**

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

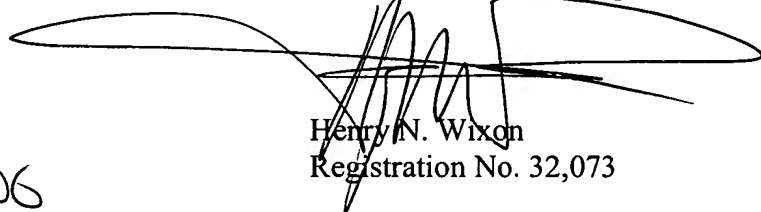
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP

A large, stylized handwritten signature in black ink, appearing to read 'H. Wixon', is written over the printed name and registration number.

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